



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA ITEM

K-6

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$27,829.87).

MEETING DATE: March 19, 2008 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement litigation in the total amount of \$12,403.62, and various other cases being handled by Outside Counsel in the amount of \$15,426.25.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; and Kronick, Moskovitz, Tiedemann & Girard for services incurred relative to the Environmental Abatement Program litigation and various other matters that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8002	106968	01/31/08	People v. M & P Investments	2,636.97

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.026	237517	02/25/08	Lodi First v. City of Lodi	15,358.75
11233.029	237517	02/25/08	AT&T v. City of Lodi	67.50
Total				<u>\$15,426.25</u>

MISCELLANEOUS

Invoice No.	Date	Description	Water Account Amount
20076116	1/11/2008	Legalink, Inc.	1,287.00
20075677	1/25/2008	Legalink, Inc.	1,370.00
20075350	1/25/2008	Legalink, Inc.	2,394.80
20075753	1/30/2008	Legalink, Inc.	1,455.00
20076264	1/30/2008	Legalink, Inc.	1,742.35
20076208	2/12/2008	Legalink, Inc.	1,517.50
			<u>\$9,766.65</u>

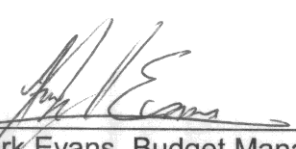
APPROVED:


FISCAL IMPACT Expenses in the amount of \$15,426.25 will be paid out of the General Fund and \$15,358.75 billed to Walmart for City's defense of the Lodi First litigation. The remaining expenses will be paid out of the Water Fund.

FUNDING AVAILABLE:

Water Fund	\$12,403.62
General Fund	\$15,426.25

Approved: _____


Kirk Evans, Budget Manager


Stephen Schwabauer, City Attorney

PCE/TCE Litigation
REVISED 6-Month Budget Recap (January - June 2008)

JANUARY

Matter	6-Month Budget	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed January*	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
M&P, Related Cases includes matters 8001, 8002, 8003, 8005	\$ 300,000	\$ 300,000	\$ 50,000	\$3,097	-\$46,903	\$ 296,903	\$3,097
Envision Claims 8008	\$ 1,100,000	\$ 1,100,000	\$ 183,333	\$169,525	-\$13,808	\$ 930,475	\$169,525
Totals	\$ 1,400,000	\$ 1,400,000	\$ 233,333	\$172,623	-\$60,711	\$ 1,227,377	\$172,623

*Invoices dated February 21 and 26, 2008 for period January 1 through January 31, 2008

PCE/TCE Litigation
6-Month Budget Recap (July - December 2007)

DECEMBER

Matter	6-Month Budget	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed December**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
M&P, Related Cases includes matters 8001, 8002, 8005	\$ 513,000	\$ 433,714	\$ 85,500	\$12,558	-\$72,942	\$ 421,156	\$91,844
Hartford Action 8003	\$ 300,000	\$ 122,390	\$ 50,000	\$0	-\$50,000	\$ 122,390	\$177,610
Envision Claims 8008	\$ 670,000	\$ 377,510	\$ 111,667	\$134,844	\$23,177	\$ 242,666	\$427,334
Totals	\$ 1,483,000	\$933,613	\$ 247,167	\$147,402	-\$99,765	\$786,211	\$696,789

**Invoices dated January 16 and 31, 2008 for period December 1 through December 31, 2007.

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